

House File 635 - Introduced

HOUSE FILE 635

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 193)

A BILL FOR

1 An Act permitting counties and cities to classify certain
2 fireworks violations as county infractions or municipal
3 infractions, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.307, subsection 3, Code 2019, is
2 amended to read as follows:

3 3. a. A county shall not provide that a violation of an
4 ordinance is a county infraction if the violation is a felony,
5 an aggravated misdemeanor, or a serious misdemeanor under state
6 law or if the violation is a simple misdemeanor under chapters
7 687 through 747, except as provided in paragraph "b".

8 b. Notwithstanding section 727.2, subsection 2, paragraph
9 "b", subparagraph (1), and subsection 3, paragraph "c",
10 subparagraph (1), a county that by ordinance or resolution
11 prohibits or limits the use of consumer fireworks or display
12 fireworks pursuant to section 331.301, subsection 17, may
13 provide that a violation of such ordinance or resolution is a
14 county infraction.

15 Sec. 2. Section 364.22, subsection 3, Code 2019, is amended
16 to read as follows:

17 3. a. A city shall not provide that a violation of an
18 ordinance is a municipal infraction if the violation is a
19 felony, an aggravated misdemeanor, or a serious misdemeanor
20 under state law or if the violation is a simple misdemeanor
21 under chapters 687 through 747, except as provided in paragraph
22 "b".

23 b. Notwithstanding section 727.2, subsection 2, paragraph
24 "b", subparagraph (1), and subsection 3, paragraph "c",
25 subparagraph (1), a city that by ordinance or resolution
26 prohibits or limits the use of consumer fireworks, display
27 fireworks, or novelties pursuant to section 364.2, subsection
28 6, may provide that a violation of such ordinance or resolution
29 is a municipal infraction.

30 Sec. 3. Section 727.2, subsection 2, paragraph b,
31 subparagraph (1), Code 2019, is amended to read as follows:

32 (1) A person who uses or explodes display fireworks
33 while the use of such devices is prohibited or limited by an
34 ordinance or resolution adopted by the county or city in which
35 the firework is used commits a simple misdemeanor, punishable

1 by a fine of not less than two hundred fifty dollars, unless
2 a county or city classifies a violation of an ordinance or
3 resolution prohibiting or limiting the use of display fireworks
4 as a county infraction pursuant to section 331.307, subsection
5 3, paragraph "b", or a municipal infraction pursuant to section
6 364.22, subsection 3, paragraph "b", whereby such person
7 commits a county infraction in accordance with section 331.307
8 or a municipal infraction in accordance with section 364.22.

9 Sec. 4. Section 727.2, subsection 3, paragraph c,
10 subparagraph (1), Code 2019, is amended to read as follows:

(1) A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by an ordinance adopted by the county or city in which the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars, unless a county or city classifies a violation of an ordinance or resolution prohibiting or limiting the use of consumer fireworks or novelties as a county infraction pursuant to section 331.307, subsection 3, paragraph "b", or a municipal infraction pursuant to section 364.22, subsection 3, paragraph "b", whereby such person commits a county infraction in accordance with section 331.307 or a municipal infraction in accordance with section 364.22.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 Current law authorizes cities to prohibit or limit the use
28 of consumer fireworks, display fireworks, or novelties by
29 ordinance or resolution. Current law also authorizes counties
30 to prohibit or limit the use of consumer fireworks or display
31 fireworks by ordinance or resolution. A person who violates
32 any such ordinance or resolution commits a simple misdemeanor,
33 punishable by a fine of at least \$250.

34 This bill permits cities and counties to classify violations
35 of local fireworks ordinances as municipal infractions or

1 county infractions, as applicable. The bill provides that a
2 person who uses such fireworks while the use of such devices
3 is prohibited or limited by a local ordinance commits a simple
4 misdemeanor, unless a city or county classifies a violation
5 of such ordinance or resolution as a municipal infraction or
6 county infraction, whereby the person commits a municipal
7 infraction in accordance with Code section 364.22, or a
8 county infraction in accordance with Code section 331.307. A
9 municipal infraction or county infraction is a civil offense
10 punishable by a civil penalty of not more than \$750 for each
11 violation or, if the infraction is a repeat offense, a civil
12 penalty of not more than \$1,000 for each repeat offense.